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sufficient to say that upon an examination of the book, one is forced to the conclusion that the work would have been much more serviceable to the student in the professional school if no attempt had been made to enunciate principles of law as headings for the blocks of cases on the various topics, and that if such headings were to be used greater care should have been taken to make them accurate, precise and significant.

The value of that mode of instruction which requires the student to go to the cases for his study of legal principles rests to a large extent upon the training which he will thus receive in disentangling the facts which are material to the decision of the case from those which are immaterial. As a practising lawyer, this is the very thing which he will be called upon constantly to do. Any book of cases therefore, the authors of which have in whole or in part performed this work for the student, by restating, simplifying or abridging the facts involved, will, to the extent to which they do this, defeat the very purpose of such theory of instruction. As a space-saving device, it may be legitimate to omit from the *opinion* those portions which deal with other questions than the one of prime importance, but to omit or altar the statement of facts could have no good result for the reason above suggested.

Referring to the third purpose of the work, as stated, by the authors, it is to be said that as a working tool for practitioners, it would be outclassed by the many and admirable digests which are now available.

In general we feel constrained to say that the book leaves much to be desired, in the matter of plan, scope, and the quality of usefulness.

THE PRACTICE IN CIVIL ACTIONS. By William Rumsey. Second Edition. Revised and Edited by William Rumsey and John S. Sheppard, Jr. Albany: Banks & Co. 1902. pp. xciii, 916.

When announcement was made more than fifteen years ago that a work on practice in the courts of record of New York State, under the Code of Civil Procedure, was being prepared for publication by Justice Rumsey, the information was gladly received. Practitioners of that date, who had any knowledge of the man whose recent death has caused a genuine loss to the profession, recognized his scholarly tastes, his ability and his industry. They felt that there was reasonable ground to expect that the greatly needed book on practice under the reformed procedure would appear; that it would compare favorably with the standard works under the common law system, and would give to the entire subject of practice under the new system something of the same thorough and scientific treatment, which had been given to the topic of the "single civil action" some ten years earlier by Professor Pomeroy in his "Remedies and Remedial Rights." It cannot be denied, however, that the hope was not fulfilled.

It has been generally believed that owing to the unexpected pressure of judicial and other duties, after the work was commenced, Justice Rumsey committed the preparation of a large portion thereof to those who seem to have had little qualification for such a task. Whether this belief is well founded or not, it is certain that to most lawyers of ability the volumes proved a great disappointment, and it

may be questioned whether their appearance has in any degree enhanced the reputation of the author.

It is probably true that they will be found on the shelves of most practitioners, and that they have served a certain purpose, but such facts are not proof that a work has any great or permanent value. The first edition was, in reality, little more than a digest of decisions on practice; a better digest, of course, than an annotated code, because the decisions, on the whole, were properly classified and carefully selected, and many unimportant decisions which appear in an annotated code were eliminated; but still it was essentially a digest. It was not the needed work on practice.

The characteristics of the first edition are not changed in the second, its only aim being to bring the work down to date by including decisions made since the first edition was published, and making such changes in the text as these decisions have necessitated. Judging from the first volume which has recently appeared the selection of cases for this second edition has been made with considerable care. In the main, the statements of the points decided are accurate. This edition will therefore undoubtedly find a place among many other books of a similar character which the busy lawyer purchases. It is a book which will have a certain value for him as a time-saving device, by occasionally enabling him to obtain quickly a few good authorities upon some special question which he needs to answer promptly. For the young practitioner, however, who desires to gain a systematic knowledge of practice, the work cannot be highly recommended.

REVIEWS TO FOLLOW:

ELEMENTS OF THE LAW OF BAILMENTS AND CARRIERS. By Phillip D. Van Zile. Chicago: Callaghan & Co. 1902. pp. lvii, 785.

A TREATISE ON THE LAW OF INTERCORPORATE RELATIONS. Walter Chadwick Noyes. Boston: Little, Brown & Co. 1902. pp. xlviii, 703.

A BRIEF FOR THE TRIAL OF CRIMINAL CASES. Austin Abbott. Rochester: Co-operative Publishing Co. 1902. pp. xx, 814.

ELEMENTS OF THE LAW OF REAL PROPERTY. Grant Newell. Chicago: F. H. Flood & Co. 1902. pp. xii, 438.

STUDIES IN JURIDICAL LAW. Horace E. Smith. Chicago: F. H. Flood & Co. 1902. pp. xxvi, 336.

CASES ON INTERNATIONAL LAW. James Brown Scott. Boston: The Boston Book Co. 1902. pp. lxvii, 959.

A SELECTION OF CASES ON THE CONFLICT OF LAWS. Three volumes. Joseph Henry Beale. Cambridge: The Harvard Law Review Publishing Association. 1902. pp. xviii, 490; p. viii, 505; xv, 548.

MANUAL OF FRENCH LAWS AND COMMERCIAL INFORMATION. H. Cleveland Cox. London: Simpkins, Marshall, Hamilton, Kent & Co. pp. viii, 292.

A TREATISE ON THE POWER OF TAXATION. Frederick N. Judson. St. Louis: The F. H. Thomas Book Co. 1902. pp. xxiii, 908.

A CODE OF NEGLIGENCE. John Brooks Leavitt. Albany: Matthew Bender. 1903. pp. xlviii, 802.

A TREATISE ON THE LAWS OF AGENCY. George L. Reinhard. Indianapolis: The Bowen Merrill Co. 1902.